



EDMUND G. BROWN JR.  
GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

15 June 2012

**CERTIFIED MAIL**

7012 0470 0000 9904 0450

Kevin Hinman  
Cruiser Haven Inc.  
1145 Second St. #A202  
Brentwood, CA 94513

**NOTICE OF VIOLATION FOR DELINQUENT MONITORING REPORTS, HOLLAND RIVERSIDE MARINA, CONTRA COSTA COUNTY**

The treatment and disposal of wastewater at the Holland Riverside Marina (Marina) is regulated by Waste Discharge Requirements (WDRs) Order R5-2001-1993, a copy of which is enclosed for your information. The WDRs contain a Monitoring and Reporting Program (MRP) which requires that you submit self-monitoring reports on a monthly/annual basis. A review of our records from 1 January 2010 to 31 May 2012 shows that you have not submitted the 2011 Annual or First Quarter 2012 monitoring reports. The non-submittal of monitoring reports is a serious violation of the WDRs and subjects Cruiser Haven Inc. to possible enforcement actions, including monetary penalties.

The WDRs and MRP are issued pursuant to California Water Code section 13267, which states the following: *"In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports."*

Section 13268 of the California Water Code states, in part:

*(a) Any person failing or refusing to furnish technical or monitoring program reports as required by subdivision (b) of Section 13267, or failing or refusing to furnish a statement of compliance as required by subdivision (b) of Section 13399.2, or falsifying and information provided therein, is guilty of a misdemeanor and may be liable civilly in accordance with subdivision (b).*

KARL E. LONGLEY SCD, P.E., CHAIR | PAMELA C. CREEDON P.E., BCPE, EXECUTIVE OFFICER

11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | [www.waterboards.ca.gov/centralvalley](http://www.waterboards.ca.gov/centralvalley)

*(b)(1) Civil liability may be administratively imposed by a regional board in accordance with Article 2.5 (commencing with section 13323) of Chapter 5 for a violation of subdivision (a) in an amount which shall not exceed one thousand dollars (\$1,000) for each day in which the violation occurs.*

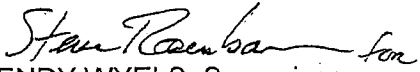
Because you discharge waste, the Board needs your monitoring reports to assess compliance with your permit. Due to failure to submit the required reports pursuant to section 13267, our next step is to recommend that civil liability (i.e. monetary penalties) be assessed against Cruiser Haven Inc. Because of the number of late reports and the number of days they are overdue, you could be subject to significant penalties. **As of the date of this Notice, the maximum liability for delinquent monitoring reports is \$178,000, as shown in the enclosed table.**

However, Central Valley Water Board will not take an enforcement action against you if you submit all the late reports by **20 July 2012**. If the delinquent monitoring reports are not available, then by **20 July 2012**, you must submit a report explaining why the monitoring was not performed and identifying actions that will be taken to assure future monitoring reports will be submitted on time and complete. Should you fail to submit the report by **20 July 2012**, the Central Valley Water Board reserves the right to take any and all appropriate enforcement action(s) against you, and shall consider the original report due dates for purposes of calculating your maximum penalty pursuant to California Water Code Section 13268.

Cruiser Haven Inc. must submit future monitoring reports by the due dates in the revised MRP, and these monitoring reports must contain all of the information required by the revised MRP.

We will evaluate your submittals in considering whether to propose issuance of an administrative civil liability complaint. Be advised that failure to comply fully with reporting requirements may result in staff recommending additional enforcement, which may include the issuance of an administrative civil liability complaint of up to \$1,000 per day for late or inadequate reports.

If you have questions, please contact Guy Childs at (916) 464-4648 or [gchilds@waterboards.ca.gov](mailto:gchilds@waterboards.ca.gov).

  
WENDY WYELS, Supervisor  
Compliance and Enforcement Section

Enclosure: Waste Discharge Requirements Order R5-2001-1993  
Summary of Potential Liability

cc w/o enclosures: Timothy Ellsworth, Contra Costa Environmental Health, Concord

CIWQS Violation ID Nos.: 927750, 927751